

**BUTTE-SILVER BOW LOCAL GOVERNMENT  
STUDY COMMISSION**

**Minutes of the Public Hearing**

**May 18, 2006**

**Butte-Silver Bow Courthouse, Third Floor Council Chambers**

***Meeting Date:*** May 18, 2006

***Time:*** 5:30 p.m.

***Place:*** Butte-Silver Bow Courthouse, First Floor Conference Room

***Call to Order:*** Chairman Bob Worley brought the meeting to order at 5:45 p.m. and called roll with the following results:

***Members Present:*** Tony Bonney, Ristene Hall, Dave Palmer, Cindi Shaw, Northey Tretheway, Bob Worley and Shag Miller

***Excused Absences:*** Ron Rowling, Wayne Harper and Meg Sharp

***Approval of Minutes:*** Bob Worley entertained a motion for the approval of the minutes from April 27, 2006. Cindi Shaw moved for the approval of the minutes from April 27<sup>th</sup> and Ristene Hall seconded. All were in favor and the motion carried. Bob Worley stated that he has a copy of the minutes from May 11, 2006 and will review them.

***Comments from Ron Rowling:*** Absent.

***Citizen Comments:*** None.

***Items not on Agenda:*** Northey Tretheway and Shag Miller met with Bob McCarthy on the 16<sup>th</sup> of May. They discussed some of the issues involved and the difference of opinion on him being the Chief Legal Officer for the county and Council of Commissioners. They felt he was. Shag Miller explained that Bob McCarthy has been busy and would not be able to make the meeting tonight but would be at the next meeting on the 25<sup>th</sup>. Shag commented that they discussed the past and the input he has had on the charter. Shag stated that Bob McCarthy wants to review the finished work, proposed changes and correct the legal language. Shag told Bob McCarthy they need to wrap things up as quickly as possible since they only have about 8 weeks of meetings before they need to get on the November ballot. Shag commented they got the misunderstanding cleared up.

Shag commented if it is their estimation that the job of Animal Control has not been done and it has been left to the Council of Commissioners for the last 25 years, then it is up to them to make sure it is in the charter.

Shag Miller stated that he and Cindi are going to attend the Kiwanis Club on Tuesday about the Study Commission. Shag mentioned that he and Bob Worley are going to talk

to SCORE, a senior advisory committee to small businesses, at 1:30 p.m. on Tuesday at the Chamber of Commerce. Cindi Shaw volunteered to attend the meeting at Perkins.

Bob Worley has been either on the telephone or e-mailing Ken Weaver. Bob Worley commented that Ken will be gone until the 23<sup>rd</sup> of May. Bob Worley called Jane Jelinski and was told that Ken Weaver will no longer be with state employment. His last day is going to be on May 30<sup>th</sup>. Jane Jelinski told Bob that she would be more than happy to review the charter draft. Bob Worley commented that he would like to have two people's opinions on the charter.

Shag Miller requested a copy of #5 draft of the charter.

Bob Worley reviewed his notes and there are two issues that they still need to make decisions on. One was the Auditor and the other was the County Superintendent of Schools.

Bob Worley mentioned there were discussions about the Auditor's position at a coffee meeting he had this morning. Some people thought they should put it on the ballot as a separate item.

Shag Miller thought it would be an office where there would be some saving of money and it could be easily moved into the Budget and Finance Department. Shag commented if the language was stated on the ballot, if the duties of the Auditor were incorporated into Budget and Finance instead of eliminated, it might be accepted.

Dave Palmer replied the reason it is not in the Finance and Budget Department, is because it would be like putting the fox in the hen house. That is the purpose of the Auditor, to oversee Finance and Budget.

Shag Miller replied on the other hand she does not Audit. She counts the change at the Civic Center.

Northey Tretheway asked what difference does it make where it is located as long as it is functioning correctly? Northey commented that you don't want the Auditor to be intimidated by the department they are working for.

Dave Palmer stated if they were going to put it anywhere, he would recommend it be put under the Council of Commissioners and turn the duties of reviewing daily expenditures over to the Auditor, not to the Finance and Budget Committee of the Council of Commissioners. That is not their job.

Ristene Hall asked, when the Auditor is an elected position, can you have them under somebody? Don't they answer solely to the people?

Northey Tretheway replied that you could move any elected position, as long as you have the position.

Dave Palmer clarified that they were discussing at one time, whether they make it an appointed position versus elected and still have an internal Auditor. Then it should be put under the Council of Commissioners. Dave thought it would be difficult to put it under an elected official.

Northey Tretheway replied that he did not think they could.

Bob Worley replied they could if it was an appointed position and then they could answer solely to the Council of Commissioners. Bob Worley's thoughts were they either eliminate the position or put it some place where it is useful.

Northey Tretheway would like to see it moved.

Bob Worley commented that he would like to see an Auditor. He believed it would free up the commissioners time. If BSB had an auditor that knew what auditing was all about, he/she could check invoices, purchase orders and do the checks and balances. Currently, the council is going through and approving these after the fact.

Northey Tretheway asked if the Council of Commissioners had any administrative support.

Dave Palmer replied they have a secretary, Helen Walsh.

Cindi Shaw commented that she agrees with Dave and has attended enough council meetings to know that it is a tedious job. It is done every week and after the fact. A true Auditor could do the checks and balances that are currently not there. It has to be separate from Budget and Finance. Cindi asked how do they do that? Do they make a recommendation that it is placed under Budget and Finance? Could they keep her where she is right now?

Bob Worley replied that state law would not allow them to critique where it is. He did not think they could override and critique state law at the local level. Northey Tretheway replied they could if it is not an elected position.

Ristene Hall asked Dave Palmer if that position had those duties once, as far as the finance and budget? Dave replied not as far as he could remember. Ristene asked if he knew what duties were taken away from her? Dave replied that he did not know what duties. He knew staff was taken away from her. Ristene Hall replied that her staff was taken away because the duties were taken and there was not enough work for the staff to remain there.

Bob Worley commented a lot of the duties were taken away when Katie Murray was Auditor during Don People's term. Bob Worley commented that BSB has had 20 years of having an Auditor position that has no real authority or responsibilities.

Cindi Shaw asked if they should have Danette Harrington come back to discuss what the position used to be?

Shag Miller asked if Bob Worley had talked to Danette Gleason regarding this and Bob Worley replied that he had? He did not remember all of the conversation and would have to either go through minutes or meet with her again.

Bob Worley replied if they go with the existing charter, they are going to propose the inclusion of three new departments. Bob Worley mentioned the public concerns with the cost. They need to know where the positions are going to come from or where they are going to get the money to create those departments.

Northey Tretheway replied that they do not need to know any of that. Money only comes from two sources in the county. He did not think they had to worry about where the money is going to come from.

Northey Tretheway commented the people that do not want it to change are going to be the ones asking where is the money going to come from? They, the Study Commission would have to emphasize that if they don't put in those new departments, it would end up costing BSB more in the long run.

Shag Miller agreed with Northey and stated it is the duty of the Finance and Budget Committee to prepare the budget that accommodates those departments. Their job is to reflect the opinion of the public or the deliberations they have done over the past 16-18 months. Perhaps there is a money, \$40,000-\$50,000 that could be saved if they eliminated the Auditor's position. If you did talk to Danette, it would be an interesting number because they are going to put in a Community Enrichment Coordinator. That is going to cost some money.

Northey Tretheway replied if you eliminate a \$50,000 position, from the standpoint of savings, eliminating a position is not going to be that much savings in a person's pocket.

Bob Worley replied that he spoke with Danette about that. He asked her if they were looking for a number to hire a department head, what would they be looking at? She stated it would be around \$45,000 to hire a department head.

Ristene Hall stated that the Animal Control budget is already up there pretty high, it is around \$200,000.00 if not more. If it were in the charter, they would have to find a way to utilize that money more efficiently.

Shag Miller reviewed the idea that Great Falls contracts the Humane Society to run operations. He said there was a proposal to put it to the animal shelter a few years ago. The union told the commissioners there would be trouble if they went ahead to proceed with the idea to lease the operations of animal control. Shag commented that they have discussed recently the fact that the two animal wardens would be incorporated under

Public Works. The new Animal Control department head would be able to hire two new wardens. The main complaint right now is those two wardens are not very active.

Bob Worley stated it is not part of the Study Commission to set a wage for an animal control position should they go ahead and decide they want an administrator. Currently, if the two animal wardens, a laborer and a teamster, were pick up by the Public Works Departments and the Animal Control is broke off separately, he thought they would not sign a contract with the Teamsters and Laborers to do that.

Tony Bonney stated if it were broke off into a separate department, the two that exist would probably fall under Public Works because that is where they are working now. Tony stated the two that would be proposed is something the unions, whichever union felt they had jurisdiction, would have the ability to negotiate with the county. They would have to work that out.

Northey Tretheway commented that it sounds like part of the problem is due to who is working there now. Northey asked if that is part of the reason Butte has a dog problem because of the way people work? Northey stated if it is not the charter causing it, if it is not the ordinances causing it, if it is because of the way people work, the charter is not going to change it.

Tony Bonney thought by putting it in the charter as an animal control system, it would take it from a low priority under Public Works to a higher priority as a separate department. There would be more accountability.

Northey Tretheway replied that you have that same ability to go to the Council of Commissioners and do that right now.

Bob Worley asked what their thoughts would be about maintaining the County Superintendent of Schools on a part-time position?

Northey Tretheway thought at one time, they were trying to roll the county functions/responsibilities into the other one.

Bob Worley replied he did not know how that was going to get done and thought that would be a question for Bob McCarthy.

Shag Miller thought it would be too complicated and they should leave it alone. He thought it is a position that they could save \$100,000 a year. He thought there is an offset that Uggetti did not seem to realize that it picks up about 100 on his A & B and a 40% tax increment from ASMI, which would give him additional monies.

Tony Bonney does not think that is an option according to state law and did not think they could put restrictions on an elected position.

Bob Worley replied that he wished he had that law with him. They, as a Study Commission can recommend consolidating positions or they can have a part-time Superintendent.

Shag Miller asked if that was in the previous Study Commission's recommendations?

Bob Worley replied that it was on the ballot for the elimination of the Auditor, Public Administrator and elimination of the office of elected Superintendent of Schools as a separate, full-time elected office as proposed by the BSB Study Commission. None of those passed.

Dave Palmer thought some place in state law it stated that you needed to have a County Superintendent. Bob Worley thought it stated that you could have a part-time one.

Northey Tretheway thought the question is do they need two Superintendents? Have the elected one take over the job of the appointed one.

Dave Palmer would like to ask Bob McCarthy if they need to have an elected County Superintendent.

Bob Worley referenced to MCA 2005 Section 20-3-201.

Bob Worley commented if it was voted on and they eliminated it, it would force the hand of the Council of Commissioners to appoint a County Superintendent of Schools and do it on a part-time or full-time basis.

Bob Worley replied if he were School District 1, he would become the County Superintendent of Schools. He would be over School District 1, and over the outlying districts such as Ramsay, Melrose and Divide.

Shag Miller commented if they proposed the Superintendent of Schools job downstairs was eliminated then the Council of Commissioners could appoint the Superintendent of School District 1. That could be a possibility. The incentive for School District 1 is to pick up the income from the Superintendent's Office.

Bob Worley replied they would pick up around \$70,000.00.

Dave Palmer did not think they would be picking up anything because they are already getting the money from the state. The only way they could benefit is if they consolidated Melrose into Butte and took that money with them.

Tony Bonney replied the money would still be there. The only difference to the School District would be the salary of the County Superintendent and his Secretary.

Bob Worley's question was if they did put it on the ballot and it did pass, then it is up to whom, the Council of Commissioners and the School District to get together and get a Superintendent in?

Tony Bonney replied according to the combination, you combine it with another office which would be the County Superintendent consolidated into the Superintendent of Schools. Tony asked if the only requirements would be the educational requirements for the County Superintendent?

Shag Miller replied they all had those accreditations.

Dave Palmer replied that is where you are getting at the \$100,000.00 from the County Superintendent of Schools. 66 and 2/3 of the total mill levy goes to the school district and that does not include the \$100,000.

Tony replied the only benefit would be to the county. The county would pick up the \$100,000.00.

Northey Tretheway replied financially that would be the only benefit but it could be more efficiently operated.

Bob Worley commented that there are other things there and he has the whole law. He assists the trustees with school supervision. He is required to visit school at least once a year and would oversee any controversy, appeals or hearings. The state law...teachers write these things in and thinks it is pretty strong but if they want to try and eliminate one it could be done just like last time. They could put it in as a separate issue. That is not his recommendation; he is just passing that along.

Dave Palmer replied that he would still like to consult with Bob McCarthy and ask him if they can eliminate the County Superintendent position. He did not think they could.

Bob Worley replied that he thought it had to do with the type of city you are. Whether you are a Class I or Class A city and that ties into population. That is where they require those things is in the population. It does state that they can consolidate it. Bob Worley commented that he could contact Michelotti and ask him what grounds they came up with for eliminating the Superintendent of Schools.

Shag Miller was curious to know by how much the ballot proposal was defeated. You have to give the voters a reason for the choice.

Bob Worley made reference to MCA 2-7-502.

Bob Worley stated there are only a few sections in the MCA where they put in requirements. Bob thought they needed to put in more requirements for the Auditor.

Shag Miller replied there are only a few positions where you need requirements.

Bob Worley stated that he would contact Michelotti.

He would move to put on the Agenda for the next meeting, in the event that Bob McCarthy is present, that they discuss the Auditor and how it relates to state law. The second item, how the Superintendents of Schools relates to the County Superintendent of Schools.

Cindi Shaw commented that the public probably would not like to see jobs eliminated or power of electing people taken away.

Bob Worley thought it could be a two-part question if it went on the ballot with the idea that it went under the Council of Commissioners. First, it has to be voted for to be eliminated. Secondly, they get appointed versus elected.

Dave Palmer replied the question would be to make it appointed versus elected.

Dave Palmer suggested as a thought that they have the new position of Animal Control and a Community Enrichment Coordinator. He thought maybe those two positions could be under the same heading. The Community Enrichment Coordinator would be in charge of the animal services system. It would be taken out of Public Works and he feels animal control has a lot to do with Community Enrichment. All they are doing is moving Animal Control out of Public Works under Community Enrichment.

Bob Worley replied that person would have to have good public relation skills and would need the cooperation from other departments.

Shag Miller commented that he visualizes two completely different functions and would need to think about it.

Cindi Shaw asked if the Community Enrichment Committee was drawing from all different ends?

Dave Palmer replied that you have John Walsh with the Law Enforcement Department, Paul Babb, Dan Dennehy with the Health Department, URA, Jon Sesso, and Planning and Zoning, they all attend. Dave stated it is a good committee but without a full-time coordinator being able to do full-time work...they have their meetings two times a month and it is hard for them to get anything done.

Bob Worley thought the Coordinator in the Health Department could do more follow-up. Bob commented that maybe it is a possibility they could combine those two positions.

Shag Miller made the comment that it is going to be a full, full-time job.

Dave Palmer thought they should spell out in the charter that the Community Enrichment Coordinator be an existing position.



Bob Worley suggested the Advisory board be non-elected positions. Bob mentioned that they have been told that Superfund is winding down. The decision is but the money is not.

Bob Worley stated they need to start thinking about ... they can't move forward until they get the report back from Bob McCarthy and Jane on where they go. When the reports come back and those decisions are made on the Auditor and County Superintendent of Schools, they will have to make those decisions. He thought they were in good shape. Once they get an adopted charter, they are good to go.

Adjournment: Shag Miller moved for adjournment and Cindi Shaw seconded. All were in favor and the motion carried.

Date of Next Meeting: May 25, 2006.